

Electric Orders - Issued 1997

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF SOUTH DAKOTA

**IN THE MATTER OF THE COMPLAINT FILED BY
JOHN BYRE, SIOUX FALLS, SD, AGAINST
NORTHERN STATES POWER COMPANY
REGARDING A BILL**

) **ORDER FOR AND NOTICE OF**
) **HEARING**
) **EL97-008**

On April 17, 1997, the South Dakota Public Utilities Commission (Commission) received a complaint from John Byre (Byre), Sioux Falls, SD, against Northern States Power Company (NSP) regarding a bill. Byre states that he feels he is being unfairly charged for moving a cable that was installed incorrectly by NSP. Byre further states that the drawings and work order are specific about where the cable was to be placed, and that NSP changed the route because of a dirt pile. Because the original contract states that the owner must clear the route before NSP begins underground installation, Byre alleges that NSP's reason for changing the route is invalid. Byre has requested the Commission to cancel the bill and hold NSP responsible for their actions.

A regularly scheduled July 15, 1997, meeting, the Commission found probable cause of an unlawful or unreasonable act, rate, practice or omission and served the complaint on NSP. NSP filed its response on August 15, 1997.

The Commission has jurisdiction over this matter pursuant to SDCL Chapters 1-26, 49-34A, and ARSD 20:10:01:15.

The issue at the hearing is whether Mr. Byre should be held responsible for payment of the NSP bill for moving a cable.

A hearing shall be held from 3:00 to 5:00 p.m., on Monday, September 29, 1997, at the Days Inn Empire, located at 3401 Gateway Boulevard, Sioux Falls, South Dakota. It shall be an adversary proceeding conducted pursuant to SDCL Chapter 1-26. All parties have the right to be present and to be represented by an attorney. These rights and other due process rights shall be forfeited if not exercised at the hearing. If you or your representative fail to appear at the time and place set for the hearings, the Final Decision will be based solely on the testimony and evidence provided, if any, during the hearings or a Final Decision may be issued by default pursuant to SDCL 1-26-20. After the hearing the Commission will consider all evidence and testimony that was presented at the hearing. The Commission will then enter Findings of Fact, Conclusions of Law, and a Final Decision regarding this matter. The Commission's decision may be appealed by the parties to the state Circuit Court and the state Supreme Court as provided by law. It is therefore

ORDERED that a hearing shall be held at the time and place specified above on the issue of whether Mr. Byre should be held responsible for payment of the NSP bill for moving a cable.

Pursuant to the Americans with Disabilities Act, this hearing is being held in a physically accessible location. Please contact the Public Utilities Commission at 1-800-

332-1782 at least 48 hours prior to the hearing if you have special needs so arrangements can be made to accommodate you.

Dated at Pierre, South Dakota, this 18th day of September, 1997.

<p>CERTIFICATE OF SERVICE</p> <p>The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, by facsimile or by first class mail, in properly addressed envelopes, with charges prepaid thereon.</p> <p>By: _____</p> <p>Date: _____</p> <p>(OFFICIAL SEAL)</p>	<p>BY ORDER OF THE COMMISSION:</p> <p>Commissioners Burg, Nelson and Schoenfelder</p> <p>_____</p> <p>WILLIAM BULLARD, JR., Executive Director</p>
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